

REMARKS

In the previous office actions, the Examiner took the position that “orthodontic appliance” could be interpreted broadly to include things unrelated to the art of orthodontics. Applicant cited the definition of “Appliance” as used in the art of orthodontics as “any device, attached to the teeth or removable, designed to move the teeth, change the position of the jaw, or hold the teeth in their finished positions after braces are removed” from American Society of Orthodontists website at:

www.braces.org/knowmore/glossary/ .

The examiner noted that this was undated and cited a more general definition of appliance as used in dentistry. While applicant can provide a dated definition or a declaration if necessary, Applicant incorporated language into the claims that require the intended interpretation. This claim language condenses the definition quoted above in the form of descriptive adjectives, referring to tooth-positioning orthodontic appliances. It is submitted that these words must be read together, and that the word “appliance” should not be separated from the descriptive adjectives “orthodontic” or “tooth-positioning”. One skilled in the art of orthodontics would understand this definition to include orthodontic brackets and other devices that are placed on teeth and are designed to move or otherwise achieve or maintain tooth or jaw position.

In previous actions, the Examiner has also ignored language said to be functional. The present claims are worded to emphasize limitations that recite geometric or other physical properties or capabilities that are properties of structure of the claimed subject matter.

The prior art does not provide for the holding of orthodontic appliances on an organizer tray in a relationship that enables transfer of these appliances to the set-up tray without rotation, thereby facilitating their placement onto teeth in the proper orientation.

It is submitted that the present claims are patentable over the prior art.

Application No. 10/781,138
Amendment dated: July 30, 2007
Reply to Office Action of June 5, 2007

Applicant previously paid for a one-month extension of time, which extends up to and includes October 5, 2007. The required fee for an RCE is being submitted herewith. Payment of all charges due for this filing is made on the attached Electronic Fee Sheet. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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